

**5.B. Severity Level By Statutory Citation**

Offenses subject to a mandatory life sentence, including first-degree murder and certain sex offenses under Minnesota Statutes, section 609.3455, subdivision 2, are excluded from the Guidelines by law.

<b>Statute Number</b>	<b>Offense Title</b>	<b>Severity Level</b>
3.191	Altering Engrossed Bill	Unranked
6.53	Refusal to Assist	Unranked
35.824	Altering Livestock Certificate	1
62A.41	Insurance Regulations	1
80A.68 or 80B.10, subd. 1 or 80C.16, subd. 3(a)(b)	Securities Violation (Over \$2,500)	4
80A.68 or 80B.10, subd. 1 or 80C.16, subd. 3(a)(b)	Securities Violation (\$2,500 or Less)	3
82A.13 or 82A.25	Sale of Membership Camping Contracts	Unranked
83.43	Subdivided Land Fraud	Unranked
86B.865, subd. 1	Certification for Title on Watercraft	1
90.41, subd. 1	Bribery (State Appraiser and Scaler)	4
116C.835	Midwest Interstate Low-Level Radioactive Waste Compact; Enforcement of Compact and Laws	Unranked
145.412	Abortion	Unranked
145B.105	Forced Execution of a Declaration	Unranked
152.021, subd. 1 or 2	Controlled Substance Crime 1st Degree	D8
152.021, subd. 2a	Manufacture any Amount of Methamphetamine	D9
152.021, subd. 2b	Aggravated Controlled Substance Crime 1st Degree	D9
152.022	Controlled Substance Crime 2nd Degree	D7*
152.023	Controlled Substance Crime 3rd Degree	D6
152.024	Controlled Substance Crime 4th Degree	D4
152.025, subd. 4(b)	Controlled Substance Crime 5th Degree	D2
152.0261	Importing Controlled Substances Across State Borders	D9
152.0262	Possession of Substances with Intent to Manufacture Methamphetamine	D5
152.027, subd. 6(c)	Sale of Synthetic Cannabinoids	D2
152.097	Sale of Simulated Controlled Substance	D1
152.136	Anhydrous Ammonia (Tamper/Theft/Transport)	D3

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152.137	Methamphetamine Crimes Involving Children and Vulnerable Adults	D3
152.33, subd. 1	Medical Cannabis Violations (Intentional Diversion)	D1
152.33, subd. 2	Medical Cannabis Violations (Diversion by patient, registered Designated Caregiver, or Parent)	D1
152.33, subd. 4	Medical Cannabis Violations (Submission of False Records)	D2
168A.30, subd. 1	False Information - Certificate of Title Application	1
169.09, subd. 14(a)(1)	Accidents (Death)	2
169.09, subd. 14(a)(2)	Accidents (Great Bodily Harm)	1
169A.24	Felony Driving While Impaired 1st Degree	7*
176.178	Workers Compensation Fraud (Over \$5,000)	3
176.178	Workers Compensation Fraud (\$5,000 or Less)	2
201, 203B, 204C (Chapters)	Voting Violations	1
211B.13	Bribery, Advancing Money, and Treating Prohibited	4
211B.15	Corporate Political Contribution Violations	Unranked
227.50	Issuing a Receipt for Goods One Does Not Have	Unranked
227.52	Issuing a Second Receipt without "Duplicate" on it	Unranked
228.45; 228.47; 228.49; 228.50; 228.51	False Bill of Lading	1
240.25	Horse Racing (Prohibited Act)	Unranked
243.161	Interstate Compact Violation	Unranked
243.166, subd. 5(b)	Registration of Predatory Offenders	I
243.166, subd. 5(c)	Registration of Predatory Offenders (2nd or Subsequent Violations)	I
243.55	Bringing Contraband into State Prison	4
256.98	Welfare Fraud (Over \$5,000)	3
256.98	Welfare Fraud (\$5,000 or Less)	2
256.984	False Declaration	1
260E.08(c)	Failure to Report Danger to Child's Health (Death)	Unranked
268.182	Unemployment Benefit Fraud (Over \$5,000)	3
268.182	Unemployment Benefit Fraud (\$5,000 or Less)	2
289A.63	Tax Evasion Laws	3

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296A.23, subd. 2	Tax on Petroleum and Other Fuels (Willful Evasion)	1
297B.10	Motor Vehicle Excise Tax	Unranked
297D.09, subd. 1	Failure to Affix Stamp on Cocaine	D6
297D.09, subd. 1	Failure to Affix Stamp on Hallucinogens or PCP (Angel Dust), Incl. LSD	D6
297D.09, subd. 1	Failure to Affix Stamp on Heroin	D6
297D.09, subd. 1	Failure to Affix Stamp on Remaining Schedule I and II Narcotics	D6
297D.09, subd. 1	Failure to Affix Stamp on Remaining Schedule I, II, & III Non-Narcotics	D2
297D.09, subd. 1	Failure to Affix Stamp on Marijuana/Hashish/Tetrahydrocannabinols	D1
297D.09, subd. 1	Failure to Affix Stamp on Schedule IV Substance	D1
297E.13, subd. 1-4	Gambling Taxes	3
297F.20	Cigarette Tax and Regulation Violations	Unranked
297G.19, subd. 3, 4(c), 5(c)	Liquor Taxation (Criminal Penalties)	1
297I.90, subd. 1& 2	Insurance Tax	3
299F.79	Intent to Manufacture Explosives	5
299F.80, subd. 1	Possession of Explosives Without Permit	5
299F.82, subd. 1	Transfer of Explosives	5
299F.83	Negligent Discharge of Explosive	5
299J	Pipeline Safety	Unranked
307.08, subd. 2(a)	Damages; Illegal Molestation of Human Remains; Burials; Cemeteries	3
325D.53, subd. 1(2)(a)	Price Fixing/Collusive Bidding	6
325D.53, subd. 1(1), subd. 1(2)(b)(c)	Price Fixing/Collusive Bidding	5
325D.53, subd. 1(3), subd. 2 & 3	Price Fixing/Collusive Bidding	Unranked
325E.201	Unlawful Transfers or Sales of Recordings	Unranked
325F.743	Precious Metal Dealers, Regulatory Provisions	2
325F.755, subd. 7	Prize Notices and Solicitations	1
340A.701	Unlawful Acts Involving Liquor	1
343.21, subd. 9(c)(d)(g)(i)	Torture or Cruelty to Pet or Companion Animal	Unranked

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343.21, subd. 9(f)(h)	Service Animal Providing Service	Unranked
343.31, subd. 1(a)	Animal Fighting	Unranked
346.155	Failure to Control a Regulated Animal (Great Bodily Harm or Death)	2
349.2127, subd. 1-6; 349.22, subd. 4	Gambling Regulations	2
393.07, subd. 10	Federal Food Stamp Program (Over \$5,000)	3
393.07, subd. 10	Federal Food Stamp Program (\$5,000 or Less)	2
471.392	False Declaration of Claim (Over \$5,000)	3
471.392	False Declaration of Claim (\$5,000 or Less)	2
508.80	Fraudulent Instrument or Entry for Procuring a Certificate of Title	1
514.02, subd. 1(b)	Non-payment for Improvement (Over \$5,000; Proceeds of Payments; Acts Constituting Theft)	3
514.02, subd. 1(b)	Non-payment for Improvement (\$5,000 or Less; Proceeds of Payments; Acts Constituting Theft)	2
518B.01, subd. 14(d)	Violation of an Order for Protection	4
588.20, subd. 1	Failure to Appear in Court	1
609.165, subd. 1b	Certain Persons Not to Have Firearms or Ammunition	6
609.19, subd. 1	Murder 2nd Degree (Intentional Murder; Unintentional Drive-By-Shootings)	11
609.19, subd. 2	Murder 2nd Degree (Unintentional Murder)	10
609.195(a)	Murder 3rd Degree	10
609.195(b)	Murder 3rd Degree	9
609.20(1), (2) & (5)	Manslaughter 1st Degree	9
609.20(3) & (4)	Manslaughter 1st Degree	8
609.205(1) & (5)	Manslaughter 2nd Degree - Culpable Negligence	8
609.205(2), (3) & (4)	Manslaughter 2nd Degree - Hunting Accident	5
609.2112, subd. 1(a)	Criminal Vehicular Homicide (Death)	8
609.2112, subd. 1(b)	Criminal Vehicular Homicide (Death, and Qualified Prior Conviction)	8 <sup>1</sup>
609.2113, subd. 1	Criminal Vehicular Operation (Great Bodily Harm)	5
609.2113, subd. 2	Criminal Vehicular Operation (Substantial Bodily Harm)	3
609.2114, subd. 1(a)	Criminal Vehicular Operation (Death to an Unborn Child)	8

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## SENTENCING GUIDELINES

609.2114, subd. 1(b)	Criminal Vehicular Operation (Death to an Unborn Child, and Qualified Prior Conviction)	8 <sup>1</sup>
609.2114, subd. 2	Criminal Vehicular Operation (Injury to an Unborn Child)	5
609.215	Aiding Suicide	Unranked
609.221, subd. 1	Assault 1st Degree (Great Bodily Harm)	9
609.221, subd. 2	Assault 1st Degree (Deadly Force Against Official)	9
609.221, subd. 3	Assault 1st Degree (Great Bodily Harm Upon Official)	10
609.221, subd. 4	Assault 1st Degree (Great Bodily Harm Upon Official by Dangerous Weapon or Deadly Force)	11 <sup>***</sup>
609.222	Assault 2nd Degree (Dangerous Weapon)	6
609.223, subd. 1	Assault 3rd Degree (Substantial Bodily Harm)	4 <sup>**</sup>
609.223, subd. 2	Assault 3rd Degree (Bodily Harm, Pattern of Child Abuse)	4
609.223, subd. 3	Assault 3rd Degree (Bodily Harm, Victim under 4)	4
609.2231, subd. 1	Assault 4th Degree (Peace Officer)	1
609.2231, subd. 2	Assault 4th Degree (Firefighters and Emergency Medical Personnel)	1
609.2231, subd. 3	Assault 4th Degree (Corrections Employee, Prosecutor, Judge, Probation Officer)	1 <sup>**</sup>
609.2231, subd. 3a	Assault 4th Degree (Secure Treatment Facility Personnel)	1 <sup>**</sup>
609.2231, subd. 4(b)	Assault 4th Degree Motivated by Bias	1 <sup>***</sup>
609.2233	Felony Assault Motivated by Bias	See Note <sup>2</sup>
609.224, subd. 4	Assault 5th Degree (3rd or Subsequent Violation)	4
609.2241	Knowing Transfer of Communicable Disease	See Note <sup>3</sup>
609.2242, subd. 4	Domestic Assault	4
609.2245	Female Genital Mutilation	Unranked
609.2247	Domestic Assault by Strangulation	4
609.228	Great Bodily Harm Caused by Distribution of Drugs	8
609.229, subd. 3(a)	Crime Committed for Benefit of Gang	See Note <sup>4</sup>
609.229, subd. 3(c)	Crime Committed for Benefit of Gang	1
609.2325, subd. 3(1)	Criminal Abuse of Vulnerable Adult (Death)	9
609.2325, subd. 3(2)	Criminal Abuse of Vulnerable Adult (Great Bodily Harm)	8

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609.2325, subd. 3(3)	Criminal Abuse of Vulnerable Adult (Substantial Bodily Harm)	4
609.233, subd. 3(1)	Deprivation of Vulnerable Adult (Great Bodily Harm)	8
609.233, subd. 3(2)	Deprivation of Vulnerable Adult (Substantial Bodily Harm)	5
609.2335	Financial Exploitation of Vulnerable Adult (Over \$35,000)	7
609.2335	Financial Exploitation of Vulnerable Adult (Over \$5,000)	5
609.2335	Financial Exploitation of Vulnerable Adult (\$5,000 or Less)	4
609.235	Use of Drugs to Injure or Facilitate Crime	4
609.24	Simple Robbery	5
609.245, subd. 1	Aggravated Robbery 1st Degree	8
609.245, subd. 2	Aggravated Robbery 2nd Degree	6
609.25, subd. 2(1)	Kidnapping (Safe Release/No Great Bodily Harm)	6
609.25, subd. 2(2)	Kidnapping (Great Bodily Harm)	9
609.25, subd. 2(2)	Kidnapping (Unsafe Release)	8
609.25, subd. 2(2)	Kidnapping (Victim under 16)	8
609.255, subd. 2	False Imprisonment (Restraint)	3
609.255, subd. 3(b)	False Imprisonment (Demonstrable Bodily Harm)	3
609.255, subd. 3(c)	False Imprisonment (Substantial Bodily Harm)	4
609.26, subd. 6(a)-(1)	Depriving Another of Cust. or Parental Rights	1
609.26, subd. 6(a)-(2)	Depriving Another of Cust. or Parental Rights	3
609.2662(1)	Murder of an Unborn Child 2nd Degree	11
609.2662(2)	Murder of an Unborn Child 2nd Degree	10
609.2663	Murder of an Unborn Child 3rd Degree	10
609.2664(1) & (2)	Manslaughter of an Unborn Child 1st Degree	9
609.2664-(3)	Manslaughter of an Unborn Child 1st Degree	8
609.2665-(1)	Manslaughter of an Unborn Child 2nd Degree	8
609.2665-(2), (3), & (4)	Manslaughter of an Unborn Child 2nd Degree	5
609.267	Assault of an Unborn Child 1st Degree	9
609.2671	Assault of an Unborn Child 2nd Degree	4
609.268, subd. 1	Death of an Unborn Child in Commission of Crime	9
609.268, subd. 2	Injury of an Unborn Child in Commission of Crime	4

609.27, subd. 1(1)	Coercion (Threat Bodily Harm)	3
609.27, subd. 1(2), (3), (4), (5), & (6)	Coercion (Property Value \$2,500 or more)	3
609.27, subd. 1(2), (3), (4), (5), & (6)	Coercion (Property Value \$301 - \$2,500)	2
609.282	Labor Trafficking	Unranked
609.283	Unlawful Conduct with Documents in Furtherance of Labor or Sex Trafficking	Unranked
609.31	Leaving State to Evade Paternity	1
609.322, subd. 1(a)	Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 1st Degree	B
609.322, subd. 1(b)	Aggravating Factors for Solicitation or Promotion of Prostitution; Sex Trafficking	See Note <sup>5</sup>
609.322, subd. 1a	Solicits, Promotes, or Receives Profit Derived from Prostitution; Sex Trafficking 2nd Degree	C
609.324, subd. 1(a)	Engage or Hire a Minor to Engage in Prostitution	9
609.324, subd. 1(b)	Engage or Hire a Minor to Engage in Prostitution	5
609.324, subd. 1(c)	Engage or Hire a Minor to Engage in Prostitution	3
609.324, subd. 2(b)	Patrons of Prostitution (2nd or Subsequent Violation)	3
609.3242, subd. 2(2)	Prostitution Crimes (Gross Misd. Level) Committed in School or Park Zones	1
609.342	Criminal Sexual Conduct 1st Degree	A
609.343, subd. 1(a)(b)(c)(d)(e) & 1a(a)(b)(c)(d)(h)(i)	Criminal Sexual Conduct 2nd Degree	B
609.343, subd. 1a(e)(f)(g)	Criminal Sexual Conduct 2nd Degree	D
609.344, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 3rd Degree	C <sup>***</sup>
609.344, subd. 1a(a)	Criminal Sexual Conduct 3rd Degree (By Definition Perpetrator Must be a Juvenile)	D
609.344, subd. 1a(e)(f) or subd. 1a(b) with ref. to subd. 2(1)	Criminal Sexual Conduct 3rd Degree	D
609.344, subd. 1a(b) with ref. to subd. 2(2)	Criminal Sexual Conduct 3rd Degree (Actor between 24 mos. and 36 mos. older than Complainant)	G
609.345, subd. 1(a)(b)(c)(d) & 1a(c)(d)(g)(h)(i)	Criminal Sexual Conduct 4th Degree	E

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609.345, subd. 1a(a)	Criminal Sexual Conduct 4th Degree (By Definition Perpetrator Must be a Juvenile)	F
609.345, subd. 1a(b)(e)(f)	Criminal Sexual Conduct 4th Degree	F
609.3451, subd. 3(a)	Criminal Sexual Conduct 5th Degree (Nonconsensual Penetration)	H
609.3451, subd. 3(b)	Criminal Sexual Conduct 5th Degree (2nd or Subsequent Violation)	F
609.3453	Criminal Sexual Predatory Conduct	See Note <sup>6</sup>
609.3458, subd. 1(a)	Sexual Extortion (Contact)	E
609.3458, subd. 1(b)	Sexual Extortion (Penetration)	C
609.352, subd. 2	Solicitation of Children to Engage in Sexual Conduct	G
609.352, subd. 2a	Solicitation of Children to Engage in Sexual Conduct (Electronic)	G
609.355	Bigamy	Unranked
609.365	Incest	Unranked
609.375, subd. 2a	Nonsupport of Spouse or Child	1
609.377, subd. 3	Malicious Punishment of Child (2nd or Subsequent Violation)	4
609.377, subd. 4	Malicious Punishment of Child (Bodily Harm)	4
609.377, subd. 5	Malicious Punishment of Child (Substantial Bodily Harm)	4
609.377, subd. 6	Malicious Punishment of Child (Great Bodily Harm)	8
609.3775	Child Torture	8
609.378	Child Neglect/Endangerment	5
609.385	Treason	Unranked
609.39	Misprision of Treason	Unranked
609.395	Obstructing Military Forces	Unranked
609.396, subd. 2	Unauthorized Presence at Camp Ripley	3
609.42, subd. 1 all sections	Bribery	4
609.425	Corrupting Legislator	Unranked
609.445	Failure to Pay Over State Funds (Over \$5,000)	3
609.445	Failure to Pay Over State Funds (\$5,000 or Less)	2
609.455	Permitting False Claims Against Government (Over \$5,000)	3



609.455	Permitting False Claims Against Government (\$5,000 or Less)	2
609.465	Presenting False Claims to Public Officer (Over \$5,000)	3
609.465	Presenting False Claims to Public Officer (\$5,000, or Less)	2
609.466	Medical Assistance Fraud (Over \$35,000)	6
609.466	Medical Assistance Fraud (Over \$5,000)	3
609.466	Medical Assistance Fraud (\$5,000 or Less)	2
609.4751, subd. 3	Impersonating a Peace Officer	2 <sup>***</sup>
609.48 subd. 4(1)	Perjury (Felony Trial)	5
609.48, subd. 4(2)	Perjury (Other Trial)	4
609.485, subd. 4(a)(1)	Escape from Felony Offense	3 <sup>7</sup>
609.485, subd. 4(a)(2)	Escape, Mental Illness	1 <sup>***</sup>
609.485, subd. 4(a)(3)	Escape with Violence from Gross Misdemeanor or Misdemeanor Offense	Unranked
609.485, subd. 4(a)(4)	Escape from Civil Commitment	1 <sup>***</sup>
609.485, subd. 4(a)(5)	Escape from Civil Commitment, Sexually Dangerous Persons	3
609.485, subd. 4(b)	Escape with Violence from Felony Offense	8
609.485, subd. 4(f)	Escape from Electronic Monitoring	3
609.486	Bullet-Resistant Vest During Crime	1
609.487, subd. 3	Fleeing Peace Officer	1
609.487, subd. 4(a)	Fleeing Peace Officer (Death)	10
609.487, subd. 4(b)	Fleeing Peace Officer (Great Bodily Harm)	6
609.487, subd. 4(c)	Fleeing Peace Officer (Substantial Bodily Harm)	4
609.49	Failure to Appear in Court	1
609.493	Solicitation of Mentally Impaired Persons	See Note <sup>8</sup>
609.494, subd. 2(b)	Solicitation of Juveniles	See Note <sup>8</sup>
609.495, subd. 1	Aiding an Offender to Avoid Arrest	1
609.495, subd. 3	Accomplice after the Fact	Unranked
609.495, subd. 4	Taking Responsibility for Criminal Acts	See Note <sup>9</sup>
609.496; 609.497	Concealing Criminal Proceeds; Engaging in Business	Unranked
609.4971	Warning Subject of Investigation	Unranked

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609.4975	Warning Subject of Surveillance or Search	Unranked
609.498, subd. 1a	Tampering with a Witness 1st Degree	5
609.498, subd. 1b	Tampering with a Witness Aggravated 1st Degree	9
609.50, subd. 2	Obstructing Legal Process, Arrest, Firefighting, or Ambulance Service Personnel Crew	3
609.502, subd. 1(1)	Interference with a Dead Body or Scene of Death	4
609.504	Disarming a Peace Officer	3
609.52, all sections <sup>10</sup>	Theft of Public Funds (Over \$5,000)	3
609.52, all sections <sup>10</sup>	Theft of Public Funds (\$5,000 or Less)	2
609.52, all sections <sup>10</sup>	Theft from Person	4
609.52, all sections <sup>10</sup>	Theft of Public Records	3
609.52, all sections <sup>10</sup>	Theft (Looting)	2
609.52, subd. 2(a)(1)	Theft (Over \$5,000)	3
609.52, subd. 2(a)(1)	Theft (\$5,000 or Less)	2
609.52, subd. 2(a)(1)	Theft of a Motor Vehicle	4 <sup>11</sup>
609.52, subd. 2(a)(2)	Taking Pledged Property (Over \$5,000)	3
609.52, subd. 2(a)(2)	Taking Pledged Property (\$5,000 or Less)	2
609.52, subd. 2(a)(3) with subd. 3(1)	Theft by Check/False Representation (Over \$35,000)	6
609.52, subd. 2(a)(3)(i)	Theft by Check (\$5,001 - \$35,000)	3
609.52, subd. 2(a)(3)(i)	Theft by Check (\$5,000 or Less)	2
609.52, subd. 2(a)(3)(ii-v)	Theft by False Representation (\$5,001 - \$35,000)	3
609.52, subd. 2(a)(3)(ii-v)	Theft by False Representation (\$5,000 or Less)	2
609.52, subd. 2(a)(4) with subd. 3(1)	Theft by Trick (Over \$35,000)	6
609.52, subd. 2(a)(4)	Theft by Trick (\$5,001 - \$35,000)	3
609.52, subd. 2(a)(4)	Theft by Trick (\$5,000 or Less)	2
609.52, subd. 2(a)(5)	Temporary Theft (Over \$5,000)	3
609.52, subd. 2(a)(5)	Temporary Theft (\$5,000 or Less)	2
609.52, subd. 2(a)(6)	Refusing to Return Lost Property (Over \$5,000)	3
609.52, subd. 2(a)(6)	Refusing to Return Lost Property (\$5,000 or Less)	2
609.52, subd. 2(a)(7)	Theft from Coin Operated Machine (Over \$5,000)	3
609.52, subd. 2(a)(7)	Theft from Coin Operated Machine (\$5,000 or Less)	2

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609.52, subd. 2(a)(8)	Theft of Trade Secret	3
609.52, subd. 2(a)(9)	Theft of Leased Property (Over \$5,000)	3
609.52, subd. 2(a)(9)	Theft of Leased Property (\$5,000 or Less)	2
609.52, subd. 2(a)(10) & (11)	Altering Serial Number (Over \$5,000)	3
609.52, subd. 2(a)(10) & (11)	Altering Serial Number (\$5,000 or Less)	2
609.52, subd. 2(a)(12)	Theft of Cable TV Services (Over \$5,000)	3
609.52, subd. 2(a)(13)	Theft of Cable TV Services (\$5,000 or Less)	2
609.52, subd. 2(a)(13)	Theft of Services (Over \$5,000)	3
609.52, subd. 2(a)(13)	Theft of Services (\$5,000 or Less)	2
609.52, subd. 2(a)(14)	Theft of Telecommunication Services (Over \$5,000)	3
609.52, subd. 2(a)(14)	Theft of Telecommunication Services (\$5,000 or Less)	2
609.52, subd. 2(a)(15)(16) with subd. 3(1)	Diversion of Corporate Property (Over \$35,000)	6
609.52, subd. 2(a)(15)(16)	Diversion of Corporate Property (\$5,001 - \$35,000)	3
609.52, subd. 2(a)(15)(16)	Diversion of Corporate Property (\$5,000 or Less)	2
609.52, subd. 2(a)(17) <sup>10</sup>	Motor Vehicle Use Without Consent	3 <sup>11</sup>
609.52, subd. 2(a)(18)	Theft of Motor Fuel from Retailer (Over \$5,000)	3
609.52, subd. 2(a)(18)	Theft of Motor Fuel from Retailer (\$5,000 or Less)	2
609.52, subd. 2(a)(19) with subd. 3(1)	Wage Theft (Over \$35,000)	6
609.52, subd. 2(a)(19)	Wage Theft (\$5,001-\$35,000)	3
609.52, subd. 2(a)(19)	Wage Theft (\$5,000 or Less)	2
609.52, subd. 3a(1)	Theft (\$1,000 or Less; Risk of Bodily Harm)	2
609.52, subd. 3a(2)	Theft (Over \$1,000; Risk of Bodily Harm)	See Note <sup>12</sup>
609.52, subd. 3a(2)	Theft (\$501-\$1,000, and Prior Conviction; Risk of Bodily Harm)	See Note <sup>12</sup>
609.52, subd. 3(1)	Theft of Firearm	4
609.52, subd. 3(2)	Theft of Incendiary Device	4
609.52, subd. 3(2)	Theft of Controlled Substances	4
609.52, subd. 3(3)(b)	Theft of Controlled Substances	3
609.52, subd. 3(3)(d)(iii)	Theft from an Abandoned or Vacant Building (\$1,000 or Less)	1
609.521	Possession of Shoplifting Gear	3

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## SENTENCING GUIDELINES

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609.525, all sections	Bringing Stolen Goods into State (Over \$5,000)	3
609.525, all sections	Bringing Stolen Goods into State (\$1,001 - \$5,000)	2
609.525, all sections	Bringing Stolen Goods into State (\$501 - \$1,000, w/Previous Conviction)	2
609.526	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (2nd or Subsequent Violations)	4
609.526, subd. 2(1)	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (\$1,000 or More)	3
609.526, subd. 2(2)	Precious Metal and Scrap Metal Dealers, Receiving Stolen Goods (Less than \$1,000)	2
609.527, subd. 3(3)	Identity Theft (2-3 Direct Victims or \$501-\$2,500 Loss)	2
609.527, subd. 3(4)	Identity Theft (4-7 Direct Victims or Loss Over \$2,500)	3
609.527, subd. 3(5)	Identity Theft (8 or More Direct Victims or Loss Over \$35,000)	8
609.527, subd. 3(6)	Identity Theft (Related to Child Pornography)	8
609.527, subd. 5a	Electronic Use of False Pretense to Obtain Identity	2
609.527, subd. 5b	Unlawful Possession or Use of Scanning Device or Reencoder	2
609.528, subd. 3(3)	Possession or Sale of Stolen or Counterfeit Check	2
609.528, subd. 3(4)	Possession or Sale of Stolen or Counterfeit Check	3
609.529	Mail Theft	2
609.53	Receiving Stolen Goods (Over \$5,000)	3
609.53	Receiving Stolen Goods (\$5,000 or Less)	2
609.53	Receiving Stolen Property (Firearm)	4
609.535, subd. 2a(a)(1)	Dishonored Check (Over \$500)	2
609.54, all sections	Embezzlement of Public Funds (Over \$2,500)	3
609.54, all sections	Embezzlement of Public Funds (\$2,500 or Less)	2
609.551, all sections	Rustling of Livestock (Over \$2,500)	3
609.551, all sections	Rustling of Livestock (\$2,500 or Less)	2
609.561, all sections	Arson 1st Degree	8
609.562	Arson 2nd Degree	5
609.563, all sections	Arson 3rd Degree	3
609.5641, subd. 1a(a)	Wildfire Arson	2
609.5641, subd. 1a(b)	Wildfire Arson (Damage over Five Dwellings, Burns 500 Acres or More, or Crops in Excess of \$100,000)	7

# MINNESOTA COURT RULES

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## SENTENCING GUIDELINES

609.5641, subd. 1a(c)	Wildfire Arson (Damage over 100 Dwellings, Burns 1,500 Acres or More, or Crops in Excess of \$250,000)	8
609.5641, subd. 1a(d)	Wildfire Arson (Demonstrable Bodily Harm)	5
609.576, subd. 1(1)	Negligent Fires (Great Bodily Harm)	4
609.576, subd. 1(3)(iii)	Negligent Fires (Damage \$2,500 or More)	2
609.576, subd. 2	Dangerous Smoking	3
609.582, subd. 1(a)	Burglary 1st Degree (Occupied Dwelling)	6 <sup>13</sup>
609.582, subd. 1(b) (c)	Burglary 1st Degree (w/Weapon or Assault)	8
609.582, subd. 2(a)(1) (2)	Burglary 2nd Degree (Dwelling/Bank)	5
609.582, subd. 2(a)(3) (4)	Burglary 2nd Degree (Pharmacy/Tool)	4
609.582, subd. 2(b)	Burglary 2nd Degree (Government Building, Religious Est., Historic Property, or School Building)	5
609.582, subd. 3	Burglary 3rd Degree (Nonresidential)	4
609.586, subd. 2	Possession of Code Grabbing Devices	3
609.59	Possession of Burglary Tools	3
609.591, subd. 3(1)	Hinder Logging (Great Bodily Harm)	3
609.593	Damage or Theft (Energy Transmission or Telecommunications)	3
609.594	Damage to Property (Critical Service Facilities, Utilities, Unranked and Pipelines)	
609.595, subd. 1(1) & (2)	Damage to Property (Risk Bodily Harm, Public Safety Motor Vehicle)	3
609.595, subd. 1(3), (4) & (5)	Damage to Property (Service to Public, Over \$1,000, Over \$500 and Subsequent)	2
609.595, subd. 1a(a)	Damage to Property (Motivated by Bias)	1***
609.596, subd. 1	Killing or Harming a Public Safety Dog	Unranked
609.597, subd. 3(3)	Assaulting or Harming a Police Horse	1***
609.597, subd. 3(1) & (2)	Assaulting or Harming a Police Horse	Unranked
609.611, all sections	Defrauding Insurer (Over \$5,000)	3
609.611, all sections	Defrauding Insurer (\$5,000 or Less)	2
609.612	Insurance Fraud (Employment of Runners)	Unranked
609.615, all sections	Defeating Security on Realty (Over \$5,000)	3
609.615, all sections	Defeating Security on Realty (\$5,000 or Less)	2
609.62, all sections	Defeating Security on Personalty (Over \$5,000)	3

# MINNESOTA COURT RULES

## SENTENCING GUIDELINES

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609.62, all sections	Defeating Security on Personalty (\$5,000 or Less)	2
609.625, all sections	Aggravated Forgery (Non-Check)	2
609.63, all sections	Forgery	1
609.631, subd. 4(1)	Check Forgery (Over \$35,000)	5
609.631, subd. 4(2)	Check Forgery (Over \$2,500)	3
609.631, subd. 4(3)(a)	Check Forgery (\$251 - \$2,500)	2
609.631, subd. 4(3)(b)	Check Forgery (\$250 or Less)	1
609.632, subd. 1 & 2 with subd. 4(a)	Counterfeiting Currency (Manufacturing or Printing/Mean for False Reproduction)	Unranked
609.632, subd. 3 with subd. 4(b)(1)	Offering Counterfeit Currency (Over \$35,000)	6
609.632, subd. 3 with subd. 4(b)(2)	Offering Counterfeit Currency (\$5,001-\$35,000)	3
609.632, subd. 3 with subd. 4(b)(3)	Offering Counterfeit Currency (\$5,000 or Less)	2
609.635	Obtaining Signature by False Pretense	2
609.64	Recording, Filing of Forged Instrument	2
609.645	Fraudulent Statements	1
609.65(1)	False Certification by Notary Public	1
609.651, subd. 1 with 4(a)	State Lottery Fraud	1
609.651, subd. 1 with 4(b) and subd. 2 & 3	State Lottery Fraud	Unranked
609.652	Fraudulent Drivers' Licenses and Identification Cards	1
609.66, subd. 1a(a)(1)	Firearm Suppressor	2
609.66, subd. 1a(a)(1)	Firearm Suppressor (Public Housing, School or Park Zone)	3
609.66, subd. 1a(a)(2) & (3)	Discharge of Firearm (Public Housing, School or Park Zone)	2
609.66, subd. 1a(a)(2)	Discharge of Firearm (Intentional)	2
609.66, subd. 1a(a)(3)	Discharge of Firearm (Reckless)	1
609.66, subd. 1b	Furnishing Firearm to a Minor	2
609.66, subd. 1c	Furnishing a Dangerous Weapon	2
609.66, subd. 1d(a)	Dangerous Weapons on School Property	4
609.66, subd. 1e(a)(1)	Drive-By Shooting (Unoccupied Motor Vehicle or Building)	3

609.66, subd. 1e(a)(2) & (3)	Drive-By Shooting (Toward a Person or Occupied Motor Vehicle or Building)	8
609.66, subd. 1g	Weapon in Courthouse/Certain State Buildings	4
609.662, subd. 2(b)(1)	Duty to Render Aid (Death or Great Bodily Harm)	2
609.662, subd. 2(b)(2)	Duty to Render Aid (Substantial Bodily Harm)	1 <sup>***</sup>
609.667	Remove or Alter Serial Number on Firearm	1
609.668, subd. 6	Explosive Devices/Incendiary Devices	6
609.67, subd. 2	Possession/Ownership of Machine and Shortbarreled Shotguns	3
609.671	Hazardous Wastes	Unranked
609.686, subd. 2	Tampering w/Fire Alarm System (Results in Bodily Harm)	3
609.686, subd. 2	Tampering w/Fire Alarm System (Potential for Bodily Harm)	1
609.687, subd. 3(1)	Adulteration Resulting in Death	11
609.687, subd. 3(2)	Adulteration Resulting in Bodily Harm	4
609.687, subd. 3(3)	Adulteration	Unranked
609.71, subd. 1	Riot 1st Degree	8
609.71, subd. 2	Riot 2nd Degree	2
609.712	Real/Simulated Weapons of Mass Destruction	Unranked
609.713, subd. 1	Threats of Violence (Terror/Evacuation)	4
609.713, subd. 2	Threats of Violence (Bomb Threat)	2
609.713, subd. 3(a)	Threats of Violence (Replica Firearm)	1 <sup>***</sup>
609.714	Offense in Furtherance of Terrorism	See Note <sup>14</sup>
609.746, subd. 1(e)	Interference with Privacy (Subsequent Violations or Minor Victim)	1
609.746, subd. 1(f)	Surreptitious Observation Device (Minor Victim and Sexual Intent)	G <sup>***</sup>
609.7475	Fraudulent or Improper Financing Statements	Unranked
609.748, subd. 6(d)	Violation of Harassment Restraining Order	4
609.749, subd. 3(a)(b)	Harassment (Aggravated Violations)	4
609.749, subd. 4(a)	Harassment (2nd Violation)	4
609.749, subd. 4(b)	Harassment (3rd or Subsequent Violations)	5
609.749, subd. 5	Stalking	5

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## SENTENCING GUIDELINES

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609.76, subd. 2	Sports Bookmaking	4
609.76, subd. 3, 4, 5, 6, & 7	Gambling Acts (Cheating, Certain Devices Prohibited; Counterfeit Chips; Manufacture, Sale, Modification of Devices; Instruction)	Unranked
609.763	Lawful Gambling Fraud	Unranked
609.776	Interference with Emergency Communications	5***
609.78, subd. 2a	Emergency Telephone Calls and Communications (Reporting Fictitious Emergency Resulting in Serious Injury or Death)	8
609.78, subd. 2b(1)	Emergency Telephone Calls and Communications (3rd or Subsequent, Making Calls When No Emergency Exists)	4
609.78, subd. 2b(2)	Emergency Telephone Calls and Communications (Blocks, Interferes, Prevents Using Multiple Communication Devices or Electronic Means)	5
609.80, subd. 2	Cable Communication Systems Interference	1
609.816	Wrongful Employment at a Child Care Center (Over \$5,000)	3
609.816	Wrongful Employment at a Child Care Center (\$5,000 or Less)	2
609.82, all sections	Fraud in Obtaining Credit (Over \$5,000)	3
609.82, all sections	Fraud in Obtaining Credit (\$5,000 or Less)	2
609.821, subd. 2(1) (2) (5) (6) (7) (8)	Financial Transaction Card Fraud (Over \$2,500)	3
609.821, subd. 2(1) (2) (5) (6) (7) (8)	Financial Transaction Card Fraud (\$2,500 or Less)	2
609.821, subd. 2(3) (4)	Financial Transaction Card Fraud	1
609.821, subd. 3(a)(1)(i)	Financial Transaction Card Fraud (Over \$35,000)	5
609.822	Residential Mortgage Fraud	2
609.825, subd. 2	Bribery of Participant or Official in Contest	2
609.83	Falsely Impersonating Another	Unranked
609.85(1)	Dangerous Trespass, Railroad Tracks	3
609.851, subd. 2	False Traffic Signal	3
609.855, subd 2(c)(1)	Interference with Transit Operator	1
609.855, subd. 5	Discharge Firearm at Occupied Transit Vehicle/Facility	6
609.855, subd. 5	Discharge Firearm at Unoccupied Transit Vehicle/Facility	1
609.856	Police Radios During Commission of Crime	Unranked



# MINNESOTA COURT RULES

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## SENTENCING GUIDELINES

609.86	Commercial Bribery	4
609.88	Computer Damage (Over \$2,500)	3
609.88	Computer Damage (\$2,500 or Less)	2
609.89	Computer Theft (Over \$2,500)	3
609.89	Computer Theft (\$2,500 or Less)	2
609.891, subd. 2(a) & (b)	Unauthorized Computer Access (Grave Risk or Subsequent)	Unranked
609.891, subd. 2(c)	Unauthorized Computer Access (Electronic Terminal)	2
609.8912	Computer Encryption	Unranked
609.893, subd. 1	Telecommunications and Information Services; Obtaining Services by Fraud (Over \$2,500)	3
609.893, subd. 1	Telecommunications and Information Services; Obtaining Services by Fraud (\$2,500 or Less)	2
609.893, subd. 2	Telecommunications and Information Services; Facilitation of Telecommunications Fraud	2
609.894, subd. 3	Cellular Counterfeiting 2nd Degree	1
609.894, subd. 4	Cellular Counterfeiting 1st Degree	2
609.895, subd. 3(a)	Counterfeited Intellectual Property	2
609.895, subd. 3(b)	Counterfeited Intellectual Property	1
609.896	Criminal Use of Real Property (Movie Pirating)	1
609.904	Racketeering (RICO)	Unranked
617.20	Abortion	Unranked
617.22	Abortion	Unranked
617.23, subd. 3	Indecent Exposure	G
617.241, subd. 4	Obscene Materials - Distribution	Unranked
617.246, subd. 2(a); 3(a); 4(a)	Use of Minors in Sexual Performance	D
617.246, subd. 2(b); 3(b); 4(b)	Use of Minors in Sexual Performance (Subsequent, by Predatory Offender, or Child Under 14)	C <sup>***</sup>
617.247, subd. 3(a)	Dissemination of Child Pornography	E <sup>***</sup>
617.247, subd. 3(b)	Dissemination of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	C <sup>***</sup>
617.247, subd. 4(a)	Possession of Child Pornography	G
617.247, subd. 4(b)	Possession of Child Pornography (Subsequent, by Predatory Offender, or Child Under 14)	E
617.261, subd. 2(b)	Nonconsensual Dissemination of Private Sexual Images	3

624.713, subd. 2(a)	Certain Persons Not to Have Firearms or Ammunition	3
624.713, subd. 2(b)	Certain Persons Not to Have Firearms or Ammunition	6
624.7132, subd. 15(b)	Transfer Pistol to Minor	2
624.714, subd. 1a	Pistol Without Permit (Subsequent Violations)	1
624.7141, subd. 2	Transfer Pistol to Ineligible Person	2
624.7181, subd. 2	Assault Weapon in Public (Under 21)	1
624.7191	Metal Penetrating Bullets	Unranked
624.731, subd. 8(a)	Tear Gas and Tear Gas Compounds; Electronic Incapacitation Devices	3
624.732, subd. 2	Intentional Release of Harmful Substance	3
626A.02, subd. 4; 626A.03, subd. 1(b)(ii); 626A.26, subd. 2(1)(ii)	Wire Communications Violations	Unranked
629.75, subd. 2(d)	Violation of a Domestic Abuse No Contact Order	4
641.165, subd. 2(b)	Bring Dangerous Weapon into County Jail	4

\* See section 2.C. and Appendix 1 to determine the presumptive disposition.

\*\* See section 2.C. and Appendix 1 to determine the presumptive disposition for assault committed by a State prison inmate or for assault on secure treatment facility personnel by persons committed to the Minnesota Sex Offender Program.

\*\*\* See section 2.C.2 and Appendix 3 to determine the presumptive duration. Depending on the offender's criminal history score, the presumptive duration may exceed the statutory maximum.

<sup>1</sup> See section 2.G.12 to determine the presumptive sentence.

<sup>2</sup> See section 2.G.11 to determine the presumptive sentence.

<sup>3</sup> See section 2.A.5 to determine the presumptive sentence.

<sup>4</sup> See section 2.G.10 to determine the presumptive sentence.

<sup>5</sup> See section 2.G. to determine the presumptive sentence.

<sup>6</sup> See section 2.G.8 to determine the presumptive sentence.

<sup>7</sup> See section 2.C. and Appendix 1 to determine the presumptive disposition for an escape from an executed sentence.

<sup>8</sup> See section 2.G.3 to determine the presumptive sentence.

<sup>9</sup> See section 2.G.6 to determine the presumptive sentence.

<sup>10</sup> Includes offenses sentenced according to Minnesota Statutes, section 609.52, subdivision 3(3)(d).

<sup>11</sup> See *Comment 2.A.05* for commentary on motor vehicle offense severity levels.

<sup>12</sup> See section 2.A.2.a-b to determine the severity level.

<sup>13</sup> See section 2.C.3.b and Appendix 1 to determine the presumptive disposition.

<sup>14</sup> See section 2.G.7 to determine the presumptive sentence.